

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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CAROL HANKE and DANIEL HANKE,

Plaintiffs,

v.

Case No. 09-CV-443

OMNI CREDIT SERVICES, LP,

Defendant.

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**ORDER**

Plaintiffs Carol and Daniel Hanke (“the Hanks”) filed this action against defendant Omni Credit Services (“Omni”) on May 1, 2009, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* Omni did not file an answer and the Hanks moved for an entry of default on July 14, 2009. An entry of default was never granted, however, because the Hanks filed a letter advising the court that the parties had reached a settlement, which would be finalized within 30 days. (See Docket #5). The parties never moved for a stipulated dismissal of the case, nor did the parties ever file their settlement agreement with the court. Indeed, the court received no further word from the parties until the Hanks filed a motion to enforce settlement on October 22, 2009. After being notified that the court had no settlement agreement before it upon which to act, the Hanks filed a motion for leave to file their settlement agreement under seal. The court granted this motion, but the subject settlement agreement was never filed.

Thus, the court cannot proceed on the plaintiffs' motions given the state of the record. The Hanks chose not to pursue default because of settlement of their claims. Further, the Hanks failed to present a settlement agreement to the court for enforcement. There is no further action the court can take at this time and the motions will be dismissed without prejudice.

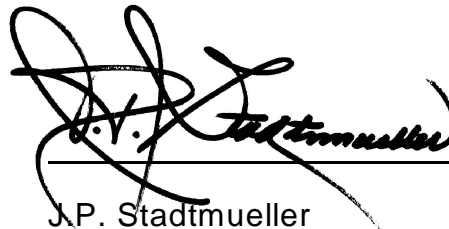
Accordingly,

**IT IS ORDERED** that the plaintiffs' motion for entry of default (Docket #5) be and the same is hereby **DENIED without prejudice**;

**IT IS FURTHER ORDERED** that the plaintiffs' motion to enforce settlement (Docket #7) be and the same is hereby **DENIED without prejudice**.

Dated at Milwaukee, Wisconsin, this 27th day of January, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge